

## Message Text

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INFO OCT-01 ARA-06 IO-11 ISO-00 FEA-01 ACDA-05 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 SAL-01 /113 W  
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FM AMEMBASSY QUITO

TO SECSTATE WASHDC 9389

INFO USIA WASHDC

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 2017

USUN FOR LOS

E.O. 11652: GDS

TAGS: PLOS, EC

SUBJECT: AMBASSADOR VALENCIA STATEMENT ON LOS CONFERENCE

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1. BEGIN SUMMARY: THE MINISTRY OF FOREIGN RELATIONS DISTRIBUTED A LENGTH STATEMENT ON LOS NEGOTIATIONS ATTRIBUTED TO AMBASSADOR LUIS VALENCIA, HEAD OF THE GOE DELEGATION TO THE UNITED NATIONS LOS CONFERENCE, ON HIS DEPARTURE FROM ECUADOR ON MARCH 13. THE STATEMENT AFFIRMS THE GOE'S CONTINUED ADHERENCE TO AND LEADERSHIP FOR THE TERRITORIAL SEA CONCEPT, BUT RECOGNIZES THAT A MAJORITY OF NATIONS PREFER THE 200-MILE ECONOMIC ZONE CONCEPT AND THAT IT IS MOST LIKELY TO BE ADOPTED BY THE CONFERENCE. THE MINISTRY STATEMENT SAYS ECUADOR'S LEADERSHIP SINCE THE SIGNING OF THE SANTIAGO DECLARATION IN 1952 WITH  
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PERU AND CHILE HAS BEEN LARGELY RESPONSIBLE FOR THE ACCEPTANCE

OF THE 200-MILE CONCEPT, AND PLEDGES THE GOE TO SEEK THE MOST EXTENSIVE RIGHTS POSSIBLE FOR COASTAL STATES WITHIN ANY 200-MILE CONCEPT ADOPTED IN ORDER TO PROTECT DEVELOPING COASTAL STATES AGAINST EXPLOITIVE, INDUSTRIALIZED NATIONS. WE BELIEVE THE STATEMENT MAY INDICATE GOE'S RESIGNATION TO ACCEPT EVENTUALLY, PROBABLY WITH EXPRESSED RESERVATIONS ABOUT ITS OWN SOVEREIGNTY OVER CLAIMED TERRITORIAL WATERS, A 200-MILE ECONOMIC ZONE. FOLLOWING IS AN UNOFFICIAL TRANSLATION OF THE TEXT. END SUMMARY. END CONFIDENTIAL

BEGIN UNCLASSIFIED

2. "TOMORROW, IN NEW YORK, THE FOURTH STAGE OF THE UNITED NATIONS CONFERENCE ON LAW OF THE SEA BEGINS, AND WILL LAST UNTIL MAY 7. AS IN PREVIOUS CONFERENCES HELD IN CARACAS AND GENEVA, THE ECUADOREAN DELEGATION IN NEW YORK WILL MAINTAIN ITS POSITION, ALREADY KNOWN, IN DEFENSE OF A 200-MILE TERRITORIAL SEA.

3. "THE NEW YORK CONFERENCE WILL CONTINUE THE WORK UNDERTAKEN IN GENEVA. IT SHOULD BE REMEMBERED THAT ON THAT OCCASION THE DELEGATIONS OF 140 COUNTRIES SEEKING TO PREPARE AN INTERNATIONAL AGREEMENT WHICH WOULD REGULATE ALL ASPECTS RELATED TO THE SEAS, THEIR EXPLORATION AND EXPLOITATION, BEGAN THE TASK OF NEGOTIATING AND SEEKING FORMULAS OF UNDERSTANDING WHICH SHOULD FIND COMMON GROUND FOR DIVERGENT POSITIONS.

4. "TO THIS MOMENT THE MOST FUNDAMENTAL ASPECT HAS BEEN THE CONSENSUS TACITLY ACHIEVED IN FAVOR OF RECOGNITION OF THE RIGHTS EXERCISED BY THE COASTAL STATE OVER ITS 200-MILE SEA. THE INTERNATIONAL COMMUNITY ACCEPTS THAT DISTANCE AS A LIMIT WITHIN WHICH THE COASTAL STATE MAINTAINS SUCH RIGHTS. THIS LIMIT IS NO LONGER ARGUED, SINCE IT WAS ACCEPTABLE FOR SEVERAL YEARS AFTER THE THREE SOUTHERN PACIFIC COUNTRIES (CHILE, ECUADOR AND PERU) PUBLICLY PROCLAIMED, NEARLY A QUARTER OF A CENTURY AGO, THE HISTORICAL DECLARATION OF SANTIAGO. THIS IS UNDENIABLE PROGRESS IN LAW OF THE SEA MATTERS IN LESS THEN 25 YEARS. THE PRESENT DISAGREEMENT CENTERS ON THE SCOPE AND CONTENTS OF THESE RIGHTS WITHIN 200 MILES. WHILE ECUADOR AND THE GROUP OF TERRITORIALIST COUNTRIES HOLD THAT SUCH RIGHTS ARE IDENTIFIED WITH THE CONCEPT OF A TERRITORIAL SEA, A  
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CONSIDERABLE MAJORITY OF STATES IS IN FAVOR OF THE NEW CONCEPT OF AN EXCLUSIVE ECONOMIC ZONE.

WHILE 200 MILES MEANS TERRITORIAL SEA FOR SOME, IT BECOMES FOR OTHERS A TERRITORIAL SEA OF UP TO 12 MILES AND SOVERIGN RIGHTS OVER THE REMAINING 188 MILES, FOR THE PURPOSE OF EXPLORING AND DEVELOPING THE RESOURCES EXISTING IN THE WATERS, THE SEABED AND THE DEEP SEABED.

5. "THE POSITION MAINTAINED BY THE TERRITORIALISTS COUNTRIES.

PARTICULARLY ECUADOR, HAS BEEN THE DRIVING FORCE IN MAKING THESE RIGHTS OF THE COASTAL STATE OVER 200 MILES MORE DETERMINED AND MORE PRECISE; IN OTHER OWRDS, SO THAT THE GROUP OF 77 DEMAND THE ATTRIBUTION TO THE STATE IN QUESTION OF THE GREATEST NUMBER OF RIGHTS AND POWERS, I.E., SOVEREIGNTY OVER EXPLORATION, DEVELOPMENT, CONSERVATION, AND CLASSIFICATION OF NATURAL RESOURCES, BOTH RENEWABLE AND NON-RENEWABLE, THE WATER TABLE, THE SEABED AND DEEP SEABED; SOVEREIGN RIGHTS OVER OTHER ACTIVITIES RELATED TO EXPLORATION AND DEVELOPMENT OF THE SEA, AS, FOR EXAMPLE, PRODUCTION OF POWER ON THE BASIS OF WATER, CURRENTS AND WINDS; UP TO EXCLUSIVE JURISDICTION AS IT PERTAINS TO AUTHORITY, REGULATION AND CONTROL OF SCIENTIFIC RESERACH; EXCLUSIVE JURISDICTION IN THE ESTABLISHMENT AND UTILIZATION OF ARTIFICIAL ISLANDS, FACILITIES, STRUCTURES AND OTHER ITEMS; AND JURISDICTION OVER REGULATION, CONTROL AND PRESERVATION OF THE MARINE ENVIRONMENT, INCLUDING CONTROL OVER, AND REDUCTION OF, POLLUTION. THEREFORE, NOT WITHOUT JUST REASON WE HOLD THAT THE CLEARER, THE MORE CATEGORICAL AND FIRM THE RIGHTS OF THE COASTAL STATE WITHIN 200 MILES, REGARDLESS OF THE NAME TO BE GIVEN FINALLY TO THAT ZONE, THE MORE CLOSELY IT WILL BE IDENTIFIED WITH THE WELL-KNOWN CONCEPT OF THE TERRITORIAL SEA, OVER WHICH THE STATE EXERCISES ALL ATTRIBUTES OF SOVEREIGNTY.

6. "THIS DOES NOT MEAN, HOWEVER, THAT THIS THIRD WORLD DEMAND, INSPIRED BY A CLEAR TERRITORIALIST POSITION, HAS NOW BEEN ACCEPTED BY THE CONFERENCE. THE INTERESTS OF THE MAJOR POWERS CERTAINLY ARE IN CONFLICT WITH THE RIGHTS OF THE DEVELOPING COASTAL STATES. TAK ING FOR THEMSELVES REPRESENTATION OF THE INTERNATIONAL COMMUNITY. THOSE POWERS USE EVERY TRICK AND EVERY MEANS TO WITHHOLD RIGHTS AND POWERS FROM THE COASTAL STATES OVER 200 MILES: VEILED THREATS, RETALIATIONS , PROMISES OF BILATERAL AGREEMENTS, FREQUENT ATTACKS IN THE PRESS. HOWEVER, THE TERRITORIALIST POSITION REMAINS UNCHANGED. IT CONFIDENTIAL

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IS TRUE THAT THE COUNTRIES INCLUDED IN THE TERRITORIALIST GROUP ARE FEW (LATIN AMERICAN AND AFRICAN COUNTRIES), AND IN THE GROUP ECUADOR ACTS AS COORDINATOR. HOWEVER, ITS FIRM POSITION IS AN ENCOURAGEMENT FOR OTHER COUNTRIES, PARTICULARLY THOSE THAT DEFEND THE EXCLUSIVE ECONOMIC ZONE. THE TERRITORIALISTS HAVE SHOWN IN VARIOUS WAYS THAT CHARGES BY THE BIG POWERS ARE GROUNDLESS, BECAUSE THEY ARE THE RESULT SIMPLY OF PETTY INTERESTS OF POLITICAL OR ECONOMIC HEGEMONY. THEY HAVE CLAIMED, FOR EXAMPLE, THAT THE RIGHTS THEY EXERCISE OR CLAIM OVER 200 MILES IN NOW WAY AFFECT THE LEGITIMATE RIGHTS OF THIRD STATES, INCLUDING THE RIGHT OF FREE PASSAGE, FREETRAFFIC, FREEDOM OF AIR NAVIGATION, OR INTERNATIONAL COMMUNICATIONS. WHAT HAPPENS IS THAT, ON THE PRETEXT OF DEFENDING FREEDOM OF NAVIGATION, THE BIG POWERS SEEK TO PREVENT THE COASTAL STATE FROM FULLY EXERCISING ITS SOVEREIGNTY IN RESPECT TO EXPLORATION AND DEVELOPMENT OF RESOURCES, AND THEY ALSO HOPE TO ENJOY

ON ALL SEAS, AN UNCONTROLLED AND UNRESTRICTED FREEDOM OF MOVEMENT FOR THEIR POWERFUL WAR FLEETS, FURNISHED WITH DEADLY NUCLEAR WEAPONS. THAT

IS WHAT IS OF VITAL INTEREST TO THESE POWERS.

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INFO OCT-01 ARA-06 IO-11 ISO-00 FEA-01 ACDA-05 AGR-05

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C O N F I D E N T I A L SECTION 2 OF 2 QUITO 2017

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7. "AS I REPORTED AT THE CLOSE OF THE GENEVA CONFERENCE, THE OUTSTANDING ACHIEVEMENT AT THAT TIME WAS THE PREPARATION BY THE CHAIRMAN OF THE THREE PRINCIPAL COMMISSIONS OF A SINGLE OFFICIAL TEXT FOR PURPOSES OF NEGOTIATION. THIS TEXT WILL BE AMENDED IN NEW YORK AND WILL BE THE SUBJECT OF OBSERVATIONS AND COMMENT. IT WILL SERVE ONLY AS A BASIS FOR DISCUSSION, INASMUCH AS THE OFFICIAL POSITIONS OF THE PARTICIPANTS IN THE CONFERENCE WILL REMAIN UNCHANGED.

8. "THE CHAIRMAN OF THE SECOND COMMISSION, EL SALVADOR AMBASSADOR REINALDO GALINDO POHL, INCLUDED IN THE SINGLE TEXT HE PREPARED

THE MAJORITY TREND NOTED AT THE CONFERENCE, CHARACTERIZED BY A 12-MILE

TERRITORIAL SEA AND AN EXCLUSIVE ECONOMIC ZONE OF 188 MILES. IT SHOULD

BE NOTED THAT THIS SECTION RECOGNIZES ECONOMIC ZONE INCLUDING  
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A VARIETY OF SPECIFIC RIGHTS FAVORING THE COASTAL STATE, SINCE IT IS ALSO STATED THAT SUCH A ZONE IS NOT INCLUDED IN THE HIGH SEAS. TOGETHER WITH THIS DOCUMENT, THE TEXT PREPARED BY THE CHAIRMAN OF THE FIRST COMMISSION, RESPONSIBLE FOR INTERNATIONAL REGULATIONS APPLICABLE TO THE SEA AND OCEAN SEABEDS, CONTAINS THE POSITION HELD BY THE GROUP OF 77, AND THIS EXPLAINS WHY THE GREAT POWERS, AT INFORMAL COMMISSION; MEETINGS, HAVE ATTACKED THAT TEXT WITH THE INTENTION OF HAVING IT REFLECT THEIR INTERESTS AND PROPOSALS. THE SINGLE TEXT PREPARED BY THE CHAIRMAN OF THE THIRD COMMISSION, RESPONSIBLE FOR CONTROL OF POLLUTION OF THE MARINE ENVIRONMENT, SCIENTIFIC RESEARCH AND THE TRANSFER OF TECHNOLOGY, IS THE ONE THAT MOST WIDELY DEVIATES FROM DESIRES OF THE THIRD WORLD.

9. "ASIDE FROM THESE MAJOR SUBJECTS COVERED BY THE THREE PRINCIPAL COMMISSIONS IS ONE OF SPECIAL IMPORTANCE AND SIGNIFICANCE. I REFER TO THE SETTLEMENT OF DISPUTES. IN THIS FIELD AS WELL, THE GREAT POWERS

TRY TO REDUCE THE AUTHORITY AND POWERS OF COASTAL STATES, BECAUSE THEY SEEK, ON THE WHOLE, TO HAVE ALL DISPUTES ARISING WITHIN 200 MILES

SUBJECTED TO COMPULSORY INTERNATIONAL MECHANISMS FOR SETTLEMENT, THEREBY TOTALLY DISREGARDING AND DISRESPECTING THE JURISDICTIONAL COMPETENCE OF NATIONAL COURTS. THUS, ACCORDING TO THIS WAY OF THINKING, IT WOULD BE SUFFICIENT TO TRIGGER A SMALL DISPUTE IN THE 200-MILE SEA TO QUESTION ALL RIGHTS OF THE COASTAL STATES AND SUBJECT THEM TO THE DECISION OF INTERNATIONAL COURTS.

10. "ANOTHER MATTER OF GREAT IMPORTANCE IS THE POSITION ADOPTED BY COUNTRIES HAVING NO SEA COASTS AND OTHERS WHICH ARE LOCATED IN AN UNFAVORABLE GEOGRAPHIC POSITION. THESE COUNTRIES, BECAUSE OF THEIR SPECIAL CONDITION, DEMAND RECOGNITION OF CERTAIN PREFERENCES FOR THEM, BOTH IN EXPLORATION OF THE SEABED AND IN DEVELOPMENT OF EXISTING RESOURCES IN THE 200-MILE SEA. THEIR CLAIMS ARE BASED ON PRINCIPLES OF INTERNATIONAL JUSTICE AND SOLIDARITY. THESE CLAIMS WERE CONSIDERED IN PARTICULAR BY THE GENEVA CONFERENCE. IT CANNOT BE SAID, HOWEVER, THAT AN AGREEMENT HAS BEEN REACHED IN THIS MATTER.

11. "SEVERAL INFORMAL WORKING GROUPS HAVE HELD MEETINGS IN DIFFERENT CAPITALS IN THE PERIOD BETWEEN THE CLOSING OF THE GENEVA CONFERENCE  
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AND THE OPENING OF THE NEW YORK CONFERENCE. I CAN ASSURE YOU THAT NO ONE WANTED TO SIT AND DO NOTHING. IN THIS MANNER, THROUGH THESE CONSULTATIONS AND INFORMAL NEGOTIATIONS, THE CONFERENCE HAS CONTINUED WORKING WITHOUT INTERRUPTION UP TO THIS VERY MOMENT. THIS WORK HAS RESULTED, IN REGARD TO ALMOST ALL THE SUBJECTS OF THE CONFERENCE, WITH SUGGESTIONS AND NEW PROPOSALS THAT WILL BE ANALYZED IN NEW YORK.

12. "THESE THEN ARE, BRIEFLY, THE MAJOR QUESTIONS THAT WILL HAVE TO BE FACED BY THE NEW YORK CONFERENCE. IT IS EASY TO UNDERSTAND THAT THE INTERESTS AND PROPOSALS MADE BY ALL THE PARTICIPATING COUNTRIES ARE QUITE DIFFERENT AND, AT TIMES, IN CONFLICT WITH ONE ANOTHER. ONLY A SINCERE EFFORTS AT CONCILIATION AND A REPUDIATION OF THOUGHTS OF HEGEMONY WILL MAKE IT POSSIBLE FOR MANKIND TO REGULATE, FOR THE BENEFIT OF ALL PEOPLES, THE SEAS AND OCEANS WHICH CONTAIN SO MANY RICHES, BECAUSE ONLY THEIR RATIONAL DEVELOPMENT AND CONSERVATION WILL INSURE THE SURVIVAL OF MANKIND." END  
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## Message Attributes

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